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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,390	09/16/2003	Hiroshi Nakashima	0879-0415P	2177
2292 7590 06/27/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER VARGOT, MATHIEU D	
			ART UNIT 1732	PAPER NUMBER
			NOTIFICATION DATE 06/27/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/662,390	Applicant(s) NAKASHIMA, HIROSHI	
	Examiner Mathieu D. Vargot	Art Unit 1732	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7, 8 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 4-286,611 in view of Japanese Patent 11-048,271. Japanese –611 is applied for reasons of record, the primary reference essentially failing to teach the aspect of subjecting the stripped film to a tentering to regulate the film in a width direction. Also, Japanese –611 lacks a clear teaching that the rate of expansion of the film in the conveying direction is kept within the instant range and that the film would be dried under only one temperature range—the primary reference teaches multiple drying operations wherein the film is dried within different temperature ranges. These aspects will be addressed in order. Concerning the regulation of the film's width through tentering, Japanese –271 discloses this step in casting a cellulose film and it would be applied at a point after the stripping when the solvent content is a little higher than the instant (ie, around 12 or 10%). This would be an acceptable solvent content, since drying has yet to occur in the reference. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the method of Japanese –611 as taught by Japanese –271 to further ensure planarity of the web—ie, reduce wrinkles and irregularities. Concerning the rate of expansion, it is maintained that such would have been within the skill level of the art. The partial translation of Japanese

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–611 (see last two lines at page 3) indicates that a tensile stress is placed on the web during the last stage of drying wherein deformations “already formed” are “eliminated”. Clearly, one of ordinary skill in this art would recognize from this disclosure that a certain amount of stretching in the machine-conveying direction would be beneficial in eliminating wrinkles. Finally, the instant “one temperature range” is respectfully submitted to have been obvious over the multiple drying operations of the primary reference. Note that the drying occurring within the drying chambers of Japanese –611 all occurs at temperatures within the instant range, either a lower limit of  $T_g - 15^\circ \text{C}$  in the initial chambers or a lower limit of  $T_g$  in the final chamber. Hence, the instant temperatures are still the ones basically being applied in all the heating chambers of Japanese –611. Further, it is submitted that the instant processing steps are being taught in the applied references and the steps are being taught to eliminate wrinkles-ie, for the same reasons as the instant. The exact temperatures used, stretching conditions employed and solvent concentrations are submitted to have been result effective variables that would have been readily determined by one of ordinary skill in the art. In fact, it is submitted that the instant conditions claimed do not deviate from that taught in the prior art to any significant or patentable extent. Japanese –611 shows more than 10 drying rolls. The exact amount of time spent drying is seen to have been within the skill level of the art, in that such would depend on the rate of travel of the film through the drying chamber.

2. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 4-286,611 in view of Japanese Patent 11-048,271 and Yoshida for

reasons of record set forth in paragraph 1, supra and in the final rejection with respect to Yoshida.

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's comments with respect to the rejection have been essentially addressed in paragraph 1, supra, at least with respect to the claimed limitations. It is not invention to optimize parameters known to effect a known process. Applicant is also arguing unexpected results with respect to the instant rate of expansion in the film conveying direction. The tensile stress applied in Japanese -611 is submitted to in fact teach this aspect. Clearly, the film would not be stretchable to any great extent with the solvent level so low, and Japanese -611 discloses stretching to eliminate any flaws in the film already produced therein. Presumably, this stretching would occur at a very low extension and would be inclusive of the instant range of -2 to 3%, a range that includes zero stretching, also. In essence, it is submitted that the instant range of stretching would not be evidence of unexpected results, but in fact would have been totally expected.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
June 21, 2007

  
Mathieu D. Vargot  
Primary Examiner  
Art Unit 1732

6/21/07